



3. Defendant Arnold Carrera filed his Original Answer on January 23, 2018.

4. A true and correct copy of all pleadings, process, orders and correspondence served in the State Court Case is attached hereto as **Exhibit A** and incorporated herein by reference.

5. Plaintiffs allege that they sustained personal injuries “as a result of a collision ... proximately caused by the negligence of Defendants, herein.” Petition at ¶ V.

6. Plaintiffs also allege that “at all times material hereto, all agents, servants, and/or employees of Defendant, KG Van Lines, Inc., were acting within the course and scope of employment and/or official duties,” and that KG Van Lines, Inc. “is responsible for all damages resulting from the negligent acts and/or omissions of its agents, servants, and/or employees pursuant to the Doctrine of Respondeat Superior.” Petition at ¶ VI.

7. Plaintiffs seek damages of monetary relief in excess of one million dollars (\$100,000,000.) Petition at ¶ III.

8. Complete diversity exists between the Plaintiffs and Defendants now, as well as on the date of filing of the State Court Case.

9. Plaintiffs are citizens and residents of the State of Texas. Petition at ¶ II.

10. Defendant KG Van Lines is a company incorporated in the State of New York and its principal place of business in Albany, New York. KG Van Lines is a citizen of New York – not of Texas.

11. Defendant Carrera is a citizen and resident of the State of Ohio.

12. Defendant KG Van Lines has confirmed that Defendant Carrera consents to this removal pursuant to 28 U.S.C. §1446(b)(2)(A).

13. This is a civil action which may be removed to this Court by Defendant pursuant to the provisions of 28 U.S.C. §§ 1332(a) and 1441(b) in that it is between citizens of different states; it is a civil action wherein the matter in controversy exceeds the sum of \$75,000, exclusive of interests and costs; Defendants are not citizens of the State of Texas; and all Defendants consent to this removal.

## **II.**

### **PROCEDURAL REQUIREMENTS**

13. Pursuant to 28 U.S.C. § 1446(d), written notice of filing of this Notice will be given to all adverse parties promptly after the filing of this Notice.

14. Pursuant to 28 U.S.C. § 1446(d), a true and correct copy of this Notice will be filed with the clerk of the 169<sup>th</sup> Judicial District Court of Bell County, Texas promptly after the filing of this Notice.

15. Attached hereto and incorporated herein, are the following items:

Exhibit A: A true and correct copy of all pleadings, process, and orders served in this action.

Exhibit B: State Court docket sheet.

Exhibit C: List of all counsel of record.

Exhibit D: Index of all documents filed with the Court.

WHEREFORE, PREMISES CONSIDERED, Defendant KG Van Lines, Inc. requests that this action be removed from the 169<sup>th</sup> Judicial District Court of Bell County, Texas to the United States District Court for the Western District of Texas, Waco Division, and that this Court enter such further orders as may be necessary and appropriate.

Respectfully submitted,

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**ATTORNEYS FOR DEFENDANT**

**CERTIFICATE OF SERVICE**

I hereby certify that on the 29<sup>th</sup> day of January, 2019, a true and correct copy of the foregoing document was served electronically via E-File Texas on Plaintiffs' counsel:

**Via E-Service: [mhanna@carlsonattorneys.com](mailto:mhanna@carlsonattorneys.com)**

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